

Assembly Bill No. 973

Passed the Assembly September 6, 2011

Chief Clerk of the Assembly

Passed the Senate August 31, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 68106 of, and to add and repeal Section 68511.7 to, the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 973, Campos. Trial courts: budget process: public notice.

Existing law requires a trial court to provide written notification to the public by conspicuous posting within or about its facilities, on its public Internet Web site, and to the Judicial Council, not less than 60 days prior to closing any courtroom, or closing or reducing the hours of clerks' offices during regular business hours on any day, except as specified.

This bill would require a trial court to also provide notification by electronic distribution to individuals who have subscribed to the court's electronic distribution service. The bill would require those required notifications to include information on how the public may provide written comments during the 60-day period on the court's plan for closing a courtroom, or closing or reducing the hours of clerks' offices. The bill would require the court to review and consider all public comments received and immediately provide notice to the public and to the Judicial Council if the court's plan changes as a result of the comments received or for any other reason.

Existing law authorizes the Judicial Council, as part of its trial court budget process, to seek input from groups and individuals as it deems appropriate, including, but not limited to, advisory committees and the Administrative Director of the Courts. The trial court budget process may include other considerations, including the receipt of budget requests from the trial courts. Existing law requires the Judicial Council to adopt rules providing for notice to the public and for public input to decisions concerning administrative and financial functions of a trial court, including, but not limited to, decisions relating to the budget of the trial court prior to submittal to the Judicial Council and subsequent to budget approval. Existing law also requires the Judicial Council to adopt rules requiring trial courts to give notice to the public of other

decisions concerning the administrative and financial functions of the trial courts.

This bill, until January 1, 2017, would require each trial court, prior to adopting a baseline budget plan for the fiscal year, to provide the public notice of, and an opportunity for input on, the trial court's proposed budget plan, as specified. Among other things, the bill would require the court to allow public input by the submission of written comments or by holding a public hearing on the trial court's proposed baseline budget plan. The bill also would require the court, prior to conducting a public hearing, to make the proposed baseline budget plan available to the public and to provide notice of the hearing date, time, and location, and the opportunity to submit written comments.

The people of the State of California do enact as follows:

SECTION 1. Section 68106 of the Government Code is amended to read:

68106. (a) (1) In making appropriations for the support of the trial courts, the Legislature recognizes the importance of increased revenues from litigants and lawyers, including increased revenues from civil filing fees. It is therefore the intent of the Legislature that, to the extent practicable, access to court services for civil litigants be preserved in the allocation of resources by and for trial courts.

(2) Furthermore, it is the intent of the Legislature in enacting the Budget Act of 2010, which includes increases in civil and criminal court fees and penalties, that trial courts remain open to the public on all days except judicial holidays, Saturdays, and Sundays, and except as authorized pursuant to Section 68115.

(b) (1) A trial court shall provide written notification to the public by conspicuous posting within or about its facilities, on its public Internet Web site, and by electronic distribution to individuals who have subscribed to the court's electronic distribution service, and to the Judicial Council, not less than 60 days prior to closing any courtroom, or closing or reducing the hours of clerks' offices during regular business hours on any day except judicial holidays, Saturdays, and Sundays, and except as authorized pursuant to Section 68115. The notification shall include the scope of the closure or reduction in hours, and the financial

constraints or other reasons that make the closure or reduction necessary.

(2) (A) The notification required pursuant to paragraph (1) shall include information on how the public may provide written comments during the 60-day period on the court's plan for closing a courtroom, or closing or reducing the hours of clerks' offices. The court shall review and consider all public comments received. If the court plan for closing a courtroom, or closing or reducing the hours of clerks' offices, changes as a result of the comments received or for any other reason, the court shall immediately provide notice to the public by posting a revised notice within or about its facilities, on its public Internet Web site, and by electronic distribution to individuals who have subscribed to the court's electronic distribution service, and to the Judicial Council. Any change in the court's plan pursuant to this paragraph shall not require notification beyond the initial 60-day period.

(B) This paragraph shall not be construed to obligate courts to provide responses to the comments received.

(3) Within 15 days of receipt of a notice from a trial court, the Judicial Council shall conspicuously post on its Internet Web site and provide the chairs and vice chairs of the Committees on Judiciary, the Chair of the Assembly Committee on Budget, and the Chair of the Senate Committee on Budget and Fiscal Review a copy of any notice received pursuant to this subdivision. The Legislature intends to review the information obtained pursuant to this section to ensure that California trial courts remain open and accessible to the public.

(c) Nothing in this section is intended to affect, limit, or otherwise interfere with regular court management decisionmaking, including calendar management and scheduling decisions.

SEC. 2. Section 68511.7 is added to the Government Code, to read:

68511.7. (a) Prior to adopting a baseline budget plan for the fiscal year, each trial court shall provide the public notice of, and an opportunity for input on, the trial court's proposed budget plan, consistent with the requirements of this section.

(b) The court shall allow public input by the submission of written comments or by holding a public hearing on the trial court's proposed baseline budget plan. Any public hearing shall be conducted in a place reasonably accessible to the residents of the

county in which the court is located, and allow for public comment. The court may conduct the public hearing at the courthouse in that county.

(c) (1) Prior to conducting a public hearing, the court shall make the proposed baseline budget plan available to the public and provide notice of the hearing date, time, and location, and the opportunity to submit written comments. Notice of the hearing and the opportunity to submit comments shall be by conspicuous posting within or about the court's facilities, on the court's public Internet Web site, and by electronic distribution to individuals that have subscribed to the court's electronic distribution service. The notice shall be posted not less than 10 court days prior to the date of the hearing.

(2) The baseline budget plan shall be made available to the public at the courthouse and on the court's public Internet Web site no less than three court days prior to the hearing or, if there is no hearing, adoption of the plan.

(d) This section shall not be construed to obligate courts to provide responses to the comments presented at the public hearing or to written comments received.

(e) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

Approved _____, 2011

Governor